

FILE COPY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GRAHAM KANDIAH, LLC, a New York
limited liability company,

Plaintiff,

v.

OLD NAVY, LLC, a Delaware limited
liability company,

Defendant.

CIV. ACTION NO.:

COMPLAINT FOR COPYRIGHT
INFRINGEMENT, UNFAIR
COMPETITION, FALSE
DESIGNATION OF ORIGIN AND
UNLAWFUL DECEPTIVE ACTS
AND PRACTICES

JUDGE LYNCH

Plaintiff Graham Kandiah, LLC ("Graham Kandiah") hereby files this Complaint on
personal knowledge as to its own activities and on information and belief as to the activities of
others:

THE PARTIES

1. Plaintiff Graham Kandiah is a limited liability company, organized and existing
under the laws of New York, with offices at 43 Drexel Drive, Bay Shore, New York 11706.

2. Defendant Old Navy, LLC, ("Old Navy") is a Delaware corporation, organized
and existing under the laws of Delaware, with its principal place of business and executive
offices in San Francisco, California. Old Navy is doing business throughout the State of New
York through its retail stores and website located at <www.oldnavy.com>, with multiple retail
store locations in this District.

JURISDICTION AND VENUE

3. This is an action for: (a) copyright infringement in violation of the Copyright
Law, 17 U.S.C. §§501, *et. seq.*; (b) unfair competition and false designation of origin in violation
of 15 U.S.C. §1125(a); (c) unlawful and deceptive acts and practices in violation of N.Y. Gen.
Bus. Law §349; and (d) unfair competition under New York state law, all of which activities
have occurred in this District and elsewhere in interstate commerce.

4. Subject matter jurisdiction for the claim of copyright infringement and unfair competition and false designation of origin is proper in this Court pursuant to 28 U.S.C. §§1331, 1332, 1338(a), 17 U.S.C. §501 and 15 U.S.C. §1125(a). Supplemental jurisdiction for the claims of unlawful deceptive acts and practices and unfair competition is proper in this Court pursuant to 28 U.S.C. §1367 because these claims form part of the same case or controversy as the claims under the Copyright Act and Lanham Act.

5. This Court has personal jurisdiction over Old Navy in that Old Navy does business throughout the State of New York including this District.

6. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400(a) in that Old Navy is transacting business within this District. Further, venue is appropriate since a substantial portion of the acts complained of herein were committed by Old Navy within this District.

FACTUAL BACKGROUND

A. Graham Kandiah's Business and Intellectual Property

7. Graham Kandiah debuted in the Spring of 1999 with a small collection of resort items created for the perfect getaway - sarongs, tunics, pants and cover ups - all in gently vibrant, colorful patterns inspired by the classic designs of Northern India and filled with the spirit of seaside pastimes.

8. Immediately well received, the collection's signature prints in sophisticated color palettes have since become the hallmark of Graham Kandiah. Today the collection is sold in fine specialty shops from coast to coast and resort locales from Barbados to Mykonos.

9. The Graham Kandiah collection has appeared in major fashion and lifestyle magazines and newspapers including Allure, Elle, Harper's Bazaar, InStyle, Lucky, Oprah, Self, Shape, the Sports Illustrated Swimsuit issue, Town & Country and Vogue, The New York Times and Women's Wear Daily, and on the Today Show and Good Morning America.

10. Graham Kandiah also advertises its products via its website at <www.grahamkandiah.com>.

11. Among Graham Kandiah's various designs is its pineapple print. The pineapple print design has uniquely designed pineapples wherein the top leaves in the pineapples have a smoothly curving outer frond on the left and an "S" curved outer frond on the right, unlike a real pineapple which has a saw-tooth edge on its top leaves.

12. The five top fronds are drawn with long strokes, the three lighter-colored in front of the two darker ones. The central portion of the pineapple is a diamond grid filled in with a teardrop of color, a shading of a different color and a central highlight.

13. The lower fronds of the pineapple are patterned in short leaf strokes, which does not reflect the appearance of an actual stem leaf of a pineapple, and the left-side leaf is at a 45 degree angle to the fruit.

14. Notably, in the mid-section of the pineapple, an error in the original screen caused one "diamond" on the right side of the pineapple to be indistinct and irregular.

15. The Graham Kandiah pineapple print was created in a distinct repeat pattern of straight vertical rows of evenly spaced pineapples alternated with straight vertical rows of evenly spaced upside-down pineapples, and incorporates bright and vibrant color schemes.

16. The design elements in Paragraphs 11-15 are hereinafter referred to as the "Pineapple Print Design."

17. Graham Kandiah uses the Pineapple Print Design on multiple products, including but not limited to sarongs, bags, totes, swimwear and women's tops (the "Graham Kandiah Products"). True and correct copies of advertising materials evidencing the Pineapple Print Design are attached hereto as Exhibit A.

18. Graham Kandiah is the owner of U.S. Copyright Registration VA 1-268-422 for its Pineapple Print Design. A true and correct copy of this copyright registration is attached hereto as Exhibit B.

19. The Graham Kandiah Products have become favorably known throughout the world for their distinctive style, high-quality materials, and superior designs. Genuine Graham Kandiah Products are easily identified by their distinctive fabric designs, including the Pineapple Print Design.

20. As a result of the high-quality and superb design of Graham Kandiah Products, these products have achieved an outstanding reputation among consumers and are recognized in the industry and by the public as the exclusive source of Graham Kandiah Products and have come to symbolize the goodwill built up in Graham Kandiah Products.

B. Old Navy's Infringing Conduct

21. Old Navy has had access to Graham Kandiah's Pineapple Print Design at, including but not limited to, trade shows attended by both Graham Kandiah and Old Navy.

22. Without authorization or license from Graham Kandiah, Old Navy has reproduced and are marketing, advertising, distributing, offering for sale and selling bags, totes, dresses, pants and underwear that are nearly identical to the Pineapple Print Design with respect to all of the Pineapple Print Design's key elements, including design of the pineapples, color and spacing between pineapples in the repeating pattern.

23. The only difference between the Pineapple Print Design and the Old Navy copy is that the work has been cheaply copied and the design is "flopped" so that what appeared on the left is now on the right. Old Navy's infringing design even includes the irregular "diamond" on the pineapple that resulted from a printing error in Graham Kandiah's original Pineapple Print Design.

24. The Old Navy products bearing the infringement of Graham Kandiah's Pineapple Print Design are hereinafter referred to as the "Infringing Products".

25. The Infringing Products copy the Pineapple Print Design identically or nearly identically, including both as to design and color schemes. True and correct copies of printouts

from Old Navy's web site demonstrating Old Navy's offer for sale of the Infringing Products are attached hereto as Exhibit C.

26. Old Navy is profiting from the unauthorized reproduction, distribution, offer to sell and sale of products infringing Graham Kandiah's rights in the Pineapple Print Design.

27. Old Navy's infringement is willful, done with knowledge of and/or reckless disregard for Graham Kandiah's rights in the Pineapple Print Design.

FIRST CLAIM FOR RELIEF

(Copyright Infringement Under 17 U.S.C. §§501, et. seq.)

28. Graham Kandiah repeats and realleges the preceding paragraphs of this Complaint as if fully set forth herein.

29. Graham Kandiah is the owner of all right, title and interest in and to U.S. Copyright Registration VA 1-268-422 for the Pineapple Print Design.

30. Graham Kandiah has never authorized, licensed or otherwise permitted Old Navy to reproduce, manufacture, advertise, distribute or sell copies of the Pineapple Print Design.

31. Old Navy has copied the Pineapple Print Design in connection with its Infringing Products, which bear print designs identical or nearly identical to the Pineapple Print Design.

32. As a direct and proximate result of Old Navy's unauthorized copying of the Pineapple Print Design, Graham Kandiah has suffered damages in an amount to be proved at trial. In the alternative, Graham Kandiah is entitled to statutory damages under the Copyright Act based on Old Navy's willful copying of the Pineapple Print Design.

33. Old Navy has realized unjust profits, gains and advantages as a proximate result of its infringement.

34. Graham Kandiah does not have an adequate remedy at law, and will continue to be damaged by Old Navy's acts of copyright infringement unless this Court enjoins Old Navy from such infringing practices.

SECOND CLAIM OF RELIEF

UNFAIR COMPETITION AND FALSE DESIGNATION OF ORIGIN

(15 U.S.C. § 1125(a))

35. Graham Kandiah repeats and realleges the preceding paragraphs as if fully set forth herein.

36. The Infringing Products are nearly identical or substantial similar to genuine Graham Kandiah Products bearing the Pineapple Print Design and, as such, Old Navy's sale of the Infringing Products is likely to cause confusion to the general purchasing public.

37. By manufacturing and/ or arranging for manufacture of, advertising, distributing, offering for sale and selling identical or substantial similar replicas of the Graham Kandiah Products bearing the Pineapple Print Design, Old Navy misrepresents and falsely describes to the general public the origin and source of the Infringing Products and create a likelihood of confusion by ultimate purchasers and to others seeing the Infringing Products as to both the source and sponsorship of such merchandise.

38. Old Navy's unlawful, unauthorized and unlicensed manufacturing, advertising, distributing, offering for sale and/or selling of the Infringing Products creates express and implied misrepresentations that the Infringing Products were created, authorized or approved by Graham Kandiah, all to Old Navy's profit and Graham Kandiah's damage and injury.

39. Old Navy has realized unjust profits, gains and advantages as a proximate result of its unfair competition.

40. Graham Kandiah has no adequate remedy at law. If Old Navy's activities are not enjoined, Graham Kandiah will continue to suffer irreparable harm and injury to its goodwill and reputation.

THIRD CLAIM OF RELIEF

UNLAWFUL DECEPTIVE ACTS AND PRACTICES

(New York General Business Law § 349)

41. Graham Kandiah repeats and realleges the preceding paragraphs of this Complaint as if fully set forth herein.

42. Old Navy, without Graham Kandiah's authorization or consent, and having knowledge of Graham Kandiah's rights in the Pineapple Print Design has manufactured and/ or arranged for manufacture of, advertised, distributed, offered for sale and sold Infringing Products to the consuming public in direct competition with the Graham Kandiah Products.

43. Old Navy's use of copies or simulations of the Pineapple Print Design is likely to cause and is causing confusion, mistake and deception among the general purchasing public as to the origin of the Infringing Products, and is likely to deceive the public into believing the Infringing Products being sold by Old Navy originate from, are associated with, or are otherwise authorized by Graham Kandiah.

44. Old Navy's deceptive acts and practices involve public sales activities of a recurring nature.

45. Old Navy has realized unjust profits, gains and advantages as a proximate result of its unlawful deceptive acts and practices.

46. Graham Kandiah has no adequate remedy at law and, if Old Navy's activities are not enjoined, Graham Kandiah will continue to suffer irreparable harm and injury to its goodwill and reputation.

FOURTH CLAIM OF RELIEF

UNFAIR COMPETITION UNDER NEW YORK STATE LAW

47. Graham Kandiah repeats and realleges the preceding paragraphs of this Complaint as if fully set forth herein.

48. Graham Kandiah has built up valuable goodwill in the Pineapple Print Design.

49. Old Navy's use of the Pineapple Print Design is likely to and does permit Old Navy to palm off the Infringing Products as those of Graham Kandiah, all to the detriment of Graham Kandiah and the unjust enrichment of Old Navy.

50. Old Navy, with full knowledge of the Pineapple Print Design, intended to and did trade on the goodwill associated with the Pineapple Print Design and has misled and will continue to mislead the public into assuming a connection between Graham Kandiah and Old Navy by manufacturing, arranging for manufacture, advertising, selling and/or distributing the Infringing Products.

51. Old Navy's unauthorized use of the Pineapple Print Design has caused and is likely to continue to cause Graham Kandiah damage by tarnishing the valuable reputations and images associated with Graham Kandiah and its genuine goods. Old Navy has further palmed off its goods as Graham Kandiah Products by misrepresentations to the consuming public, members of whom are likely to and do believe the Infringing Products emanate from or are otherwise associated with Graham Kandiah.

52. Old Navy's acts mislead and deceive the public as to the source of Old Navy's goods, and permit and accomplish the palming off of Old Navy's goods as those of Graham Kandiah and falsely suggest a connection with Graham Kandiah. Old Navy's acts therefore constitute acts of unfair competition with Graham Kandiah in violation of the laws of the State of New York.

53. Old Navy has realized unjust profits, gains and advantages as a proximate result of its unfair competition.

54. Old Navy's acts have and will continue to cause Graham Kandiah irreparable harm unless enjoined by this Court. Graham Kandiah has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Graham Kandiah prays for the following relief against Old Navy:

1. That Old Navy, its officers, agents, servants, employees, representatives, confederates, successors and assigns, and all persons and entities acting for, with, by, through, or under it be permanently enjoined from directly or indirectly infringing the Pineapple Print Design in any manner, including, but not limited to, reproducing, adapting, and/or displaying the Pineapple Print design or by distributing, importing, exporting, advertising, selling, and/or offering for sale, or causing others to do so, any product, including without limitation clothing, bearing designs substantially similar to the Pineapple Print Design;

2. That Old Navy be required to effectuate the recall, removal, and return from commercial distribution and/or public display of:

(a) Any products bearing a design substantially similar to the Pineapple Print Design distributed, imported, exported, advertised, sold, and/or offered for sale by Old Navy, its officers, agents, servants, employees, representatives, confederates, successors and assigns, and all persons and entities acting for, with, by, through, or under it; and

(b) Any promotional and/or advertising materials, packaging, or other items bearing designs substantially similar to the Pineapple Print Design used or displayed by Old Navy, its officers, agents, servants, employees, representatives, confederates, successors and assigns, and all persons and entities acting for, with, by, through, or under it; and

(c) Any pattern, or other item used by Old Navy, its officers, agents, servants, employees, representatives, confederates, successors and assigns, and all persons and entities acting for, with, by, through, or under it, to manufacture any product, promotional and/or advertising materials, packaging, or other item bearing designs substantially similar to the Pineapple Print Design;

3. That Old Navy be required to deliver up for destruction all of the items called for by Paragraph 2 of this Prayer for Relief, above, as well as any remaining products, advertising,

packaging, patterns, or other items bearing designs substantially similar to the Pineapple Print Design, that are in Old Navy's custody or control;

4. That Old Navy, within thirty (30) days after service of judgment with notice of entry thereof upon it, be required to file with the Court and serve upon Graham Kandiah a written report under oath setting forth the details of how Old Navy has complied with Paragraphs 1 through 3 of this Prayer for Relief, above;

5. For an award of actual damages sustained by Graham Kandiah;

6. For an award of Old Navy's profits attributable to its copyright infringement and acts of unfair competition, including a trebling of such profits;

7. If elected by Plaintiff, for the maximum statutory damages as permitted under the Copyright Act;

8. For such other amounts as may be proper under 17 U.S.C. § 504;

9. For an award of costs and attorneys' fees pursuant to 17 U.S.C. § 505 and/or 15 U.S.C. § 1117;

10. For prejudgment interest as permitted by law;

11. For such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL


Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby demands a jury trial on all triable issues raised by this Complaint.

Respectfully submitted,

DATED: December 20, 2007

GREENBERG TRAURIG, LLP

By



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David Saenz (DS 1976)
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New York, New York 10166
Tel: (212) 801-9200
Fax: (212) 801-6400

*Attorneys for Plaintiff
Graham Kandiah, LLC*

EXHIBIT A



GRAHAM KANDIAH

GRAHAM KANDIAH

2003 Collection

214 West 39th Street Suite 1006 New York, NY 10018

For Orders, Appointments & Press Inquiries

Phone: 212-840-7305 Fax: 212-840-7307

Web: www.grahamkandiah.com

email: sales@grahamkandiah.com

It's matching every design & color



Over 70 sarongs



Handbags



bikinis



70 short sarongs



50 tops



59 shifts



5 tote styles



66 pants



Caftans, coverups, silk shawls and more.

Paisley



sarong in bag

\$25
44 x 69
1450-1101 Lime/Black
1450-2311 Pink/Lime
1450-2301 Pink/Black
1450-1123 Lime/Pink

short sarong

in bag \$23
21 x 44
1450-S-1101 Lime/Black
1450-S-2311 Pink/Lime
1450-S-2301 Pink/Black
1450-S-1123 Lime/Pink



kurta \$35
S-M-L
1480-1101 Lime/Black
1480-2311 Pink/Lime
1480-2301 Pink/Black
1480-1123 Lime/Pink



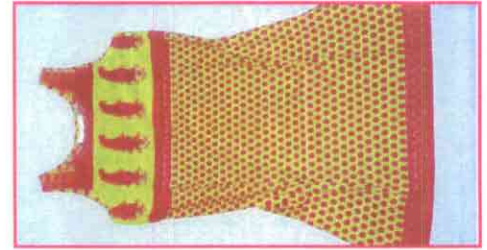
roundhale \$40 14 x 18 x 3
1407-2311 Pink/Lime
1407-2301 Pink/Black
1407-1123 Lime/Pink



large tote \$35
17 x 17 x 8
1411-2311 Pink/Lime
1411-2301 Pink/Black
1411-1123 Lime/Pink

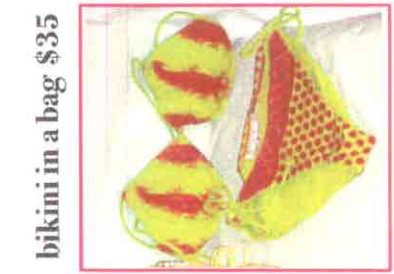
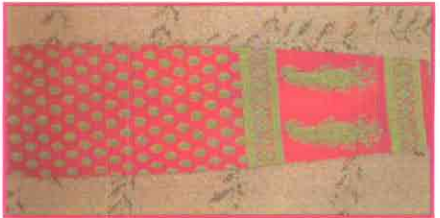
small tote \$23
6 x 9 x 3
1413-2311 Pink/Lime
1413-2301 Pink/Black
1413-1123 Lime/Pink

shoulder bag \$40
12 x 13 x 5
1409-1101 Lime/Black
1409-2311 Pink/Lime
1409-2301 Pink/Black
1409-1123 Lime/Pink



shift \$35
S-M-L
1430-1101 Lime/Black
1430-2311 Pink/Lime
1430-2301 Pink/Black
1430-1123 Lime/Pink

pants \$40
S/M or M/L
1490-1101 Lime/Black
1490-2311 Pink/Lime
1490-2301 Pink/Black
1490-1123 Lime/Pink



bikini in a bag \$35 S-M-L
1420-1101 Lime/Black
1420-2311 Pink/Lime
1420-2301 Pink/Black
1420-1123 Lime/Pink



T-shirt \$25
S-M-L
1410-1101 Lime/Black *
1410-2311 Pink/Lime
1410-2301 Pink/Black *
1410-1123 Lime/Pink
* Have black body.

sleeves of T are of matching fabric

Pineapple



sarong in bag
\$25
44 x 69
 4550-23 Pink
 4550-11 Lime
 4550-02 White

kurta **\$35** **S-M-L** **▶**
 4580-23 Pink 4580-11 Lime
 4580-02 White



pants **\$40**
S/M or M/L
 4590-23 Pink
 4590-11 Lime
 4590-02 White



Olivia **\$90** **Spencer** **\$95** **Jenn** **\$100**
 9 x 11 x 5 14 x 12 x 5 12 x 15 x 6
 4504-23 Pink 4503-23 Pink 4502-23 Pink
 4504-11 Lime 4503-11 Lime 4502-11 Lime
 4504-02 White 4503-02 White 4502-02 White



shift **\$35**
S-M-L
 4530-23 Pink
 4530-11 Lime
 4530-02 White



roundhandle **▶**
\$40
14 x 18 x 3
 4507-23 Pink
 4507-11 Lime
 4507-02 White

bikini in a bag **\$35**



S-M-L
 4520-23 Pink
 4520-11 Lime
 4520-02 White

large tote
\$35

17 x 17 x 8
 4511-23 Pink
 4511-11 Lime
 4511-02 White

small tote
\$23
6 x 9 x 3

4513-23 Pink 4509-23 Pink
 4513-11 Lime 4509-11 Lime
 4513-02 White 4509-02 White

shoulder bag
\$40

12 x 13 x 5

T-shirt **\$25**

S-M-L
 4510-23 Pink
 4510-11 Lime
 4510-02 White
 sleeves of T are of
 matching
 fabric



EXHIBIT B

Additional certificate (17 U.S.C. 706)

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters
Register of Copyrights, United States of America

Form VA
For a Work of the Visual Arts
COPYRIGHT OFFICE

VA 1-229-067



EFFECTIVE DATE OF REGISTRATION

2 19 04
Month Day Year

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE USE A SEPARATE CONTINUATION SHEET

1

Title of This Work ▼

NATURE OF THIS WORK ▼ See instructions

Graham Kandiah Pineapple

Fabric Design

Previous or Alternative Titles ▼

Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give Volume ▼

Number ▼

Issue Date ▼

On Pages ▼

2

NOTE

Under this law the author of a work made for hire is generally the employer not the employee (see instructions). For any part of this work that was made for hire check "Yes" in the space provided give the employer (or other person for whom the work was prepared) as Author of that part and leave the space for dates of birth and death blank.

NAME OF AUTHOR ▼

a Dianne Graham

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

1953

N/A

Was this contribution to the work a

work made for hire

☐ Yes

☒ No

Author's Nationality or Domicile

Name of Country

OR

Citizen of

United States

Domiciled in

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☒ No

Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes" see detailed instructions

Nature of Authorship Check appropriate box(es) See instructions

☐ 3 Dimensional sculpture

☐ Map

☐ Technical drawing

☒ 2 Dimensional artwork

☐ Photograph

☐ Text

☐ Reproduction of work of art

☐ Jewelry design

☐ Architectural work

Name of Author ▼

b N/A

Dates of Birth and Death

Year Born ▼

Year Died ▼

Was this contribution to the work a

work made for hire?

☐ Yes

☐ No

Author's Nationality or Domicile

Name of Country

OR

Citizen of

Domiciled in

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☐ No

Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes" see detailed instructions

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☐ 3 Dimensional sculpture

☐ Map

☐ Technical drawing

☐ 2 Dimensional artwork

☐ Photograph

☐ Text

☐ Reproduction of work of art

☐ Jewelry design

☐ Architectural work

3

Year in Which Creation of This Work Was

Completed

2002

This information must be given in all cases

Date and Nation of First Publication of This Particular Work

Complete this information ONLY if this work has been published

Month

August

Day

4

Year

2002

Nation

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2 ▼

Graham Kandiah LLC

Transfer If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2 give a brief statement of how the claimant(s) obtained ownership of the copyright ▼

Copyright transferred by assignment

APPLICATION RECEIVED

FEB 19 2004

ONE DEPOSIT RECEIVED

FEB 19 2004

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

MORE ON BACK ▶

Complete all applicable spaces (numbers 5-8) on the reverse side of this page. See detailed instructions. Sign the form at line 6.

DO NOT WRITE HERE

Page 1 of 2 pages

EXAMINED BY 

FORM VA

CHECKED BY

☐ CORRESPONDENCE

Yes

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OFFICE
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ONLY

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE USE A SEPARATE CONTINUATION SHEET

PREVIOUS REGISTRATION Has registration for this work or for an earlier version of this work already been made in the Copyright Office?

☐ Yes ☒ No If your answer is Yes why is another registration being sought? (Check appropriate box.) ▼a ☐ This is the first published edition of a work previously registered in unpublished formb ☐ This is the first application submitted by this author as copyright claimantc ☐ This is a changed version of the work as shown by space 6 on this application

If your answer is Yes give Previous Registration Number ▼

Year of Registration ▼

5

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work complete only 6b for a compilation

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

6

a
See instructions
before completing
this space

b. Material Added to This Work Give a brief general statement of the material that has been added to this work and in which copyright is claimed. ▼

b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office give name and number of Account

Name ▼

Account Number ▼

7

a

CORRESPONDENCE Give name and address to which correspondence about this application should be sent Name/Address/Apt/City/State/ZIP ▼

Janet P. Peyton
McGuireWoods, LLP
901 East Cary Street
Richmond, VA 23219

b

Area code and daytime telephone number (804) 775-1166

Fax number (804) 698-2230

Email jpeyton@mcguirewoods.com

CERTIFICATION* I, the undersigned, hereby certify that I am the

check only one →

☐ author☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of Graham Kandiah LLC

Name of author or other copyright claimant, or owner of exclusive right(s) a.

8

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge

Typed or printed name and date ▼ If this application gives a date of publication in space 3 do not sign and submit it before that date

Dianne Graham

Date 1/30/04

Handwritten signature (X) ▼

X Certificate
will be
mailed in
window
envelope
to this
address

Name ▼

Janet Peyton, McGuireWoods LLP

Number/Street/Apt ▼

901 East Cary Street, One James Center

City/State/ZIP ▼

Richmond, VA 23219

Complete all necessary spaces
Sign your application in space 8

1. Application form

2. Nonrefundable filing fee in check or money

order payable to Register of Copyrights

3. Deposit material

Library of Congress

Copyright Office

101 Independence Avenue S.E.

Washington D.C. 20540-8000

Fees are subject to
change. For current
fees, visit the
Copyright Office
website at
www.copyright.gov
or call the Copyright
Office at (202) 707-9000

9

17 U.S.C. § 506(e) Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408 or in any written statement filed in connection with this application shall be fined not more than \$2,500

EXHIBIT C


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WOMEN

SIZES 1-20

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[Hats, Sunglasses & Towels](#)
[Socks & Tights](#)
[Belts](#)
[Old Navy Dog Supply](#)



Women's Hipster Underwear

OVERVIEW

OUTFIT IDEA

Super-soft jersey, eye-catching colors and pretty prints create a stylish and comfy first layer. Hipster cut provides better coverage than bikinis and more leg room than briefs. Slim elastic waistband ensures a stay-put fit, with gently banded leg openings to prevent riding up.

• 95% cotton, 5% spandex. Machine wash. Imported.



#497305

Select: **White**

~~\$6.00~~ **\$3.00**



Select **Size:**

XXS XS S M L XL XXL

Size Charts

Quantity:

White

~~\$6.00~~ **\$3.00**

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**WOMEN**

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Women's Smocked Lounge Capris**OVERVIEW**

A chic smocked waist with multicolored threads makes these a stylish alternative to PJs. A jazzy floral and polka dot print along the wide legs create retro flair. Soft, lightweight cotton is wonderfully comfortable.

- Hits mid-calf
- 100% cotton. Machine wash. Imported.

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Select: **Brownie**
 \$14.50



Select Size:

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[Size Charts](#)

Quantity: [Brownie](#)
\$14.50

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Girls Tropical-Print Hobos \$9.50



Girls Tropical-Print Hobos \$9.50



Girls Tropical-Print Hobos \$9.50



Girls Embellished Ripstop Totes \$7.50

Lounge Bottoms



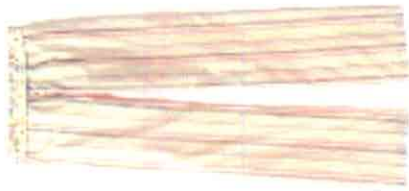
Women's Smocked
Lounge Capris
\$14.50



Women's Patriotic Plaid
Lounge Pants
\$14.50



Women's Printed
Lounge Pants
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Women's Printed
Lounge Pants
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